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SPECIAL COMMITTEE ON THE CHARTER
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THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION
3-21 February 1992

# DRAFT DECLARATION ON THE IMPROVEMENT OF COOPERATION BETWEEN THE UNITED NATIONS AND REGIONAL ORGANIZATIONS

Working paper submitted by the Russian Federation

The General Assembly,

Referring to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, and the Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security, and also to their provisions concerning the activities of regional organizations,

Deeply disturbed by the existence and emergence of new trouble spots, disputes and conflicts, including those related to tensions among nationalities, interdenominational discord and the violation of fundamental human rights and freedoms as well as the rights of national minorities in different parts of the world,

Recognizing that, according to the Charter of the United Nations, the basic task of regional organizations is that of dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such regional organizations and their activities are consistent with the Purposes and Principles of the United Nations,

Emphasizing that the ability of the United Nations to maintain international peace and security depends to a large extent on flexible coordination and effective action by regional and subregional organizations, which are an indispensable component of the system of collective security provided for under the Charter of the United Nations,

Recognizing that full utilization and further improvement of the structures and mechanisms of regional organizations could help to strengthen the role of the United Nations in the maintenance of international peace and security and promote the peaceful settlement of disputes and the prevention and removal of threats to the peace,

Considering that measures to establish and improve regional security systems, taking into account the distinctive characteristics of individual regions and the new circumstances prevailing, should go hand in hand with efforts by the entire international community to bring about collective security in accordance with the Charter of the United Nations and to create a new world order in which the Organization's strategic role is ensured,

Endeavouring to promote awareness among States of the role that regional organizations and their mechanisms can play in taking steps to influence a State with a view to ensuring the defence of human rights and democracy and the supremacy of the law in the event of massive and systematic infringements by the State concerned of its obligations in these fields,

Considering the experience gained and the favourable results achieved by regional and subregional organizations in the peaceful and just settlement of disputes, situations and conflicts in different parts of the world,

Recognizing the need for States, in exercising their sovereignty, to cooperate with relevant regional organizations in creating conditions conducive to predictability, concord, mutual understanding and stability in individual regions and throughout the world,

Solemnly declares that:

1. In accordance with their obligations under the Charter of the United Nations, States should seek to establish functionally and structurally balanced regional organizations capable of taking effective action for the prevention and the durable and peaceful settlement of disputes and conflicts, also within States at their request, and the development of cooperation among States with a view to building up trust and security among them and promoting control over arms and disarmament.

2. Regional agencies and arrangements should fulfil wide-ranging functions relating to the maintenance of peace and security and should have their own procedures for the peaceful settlement of disputes through negotiations, inquiries, mediation, conciliation, good offices, judicial inquiries and arbitration, and also through the assignment to permanent bodies within regional organizations, to that end, of relevant specific functions.

3. The settlement of disputes with the assistance of regional organs or arrangements should be based on free choice of these specific means by the parties to a local conflict and should seek primarily to apply the procedures for the settlement of disputes established in a specific regional document.

4. States participating in regional organizations should make every effort to affect a peaceful settlement of local disputes with the help of the regional organizations before referring such disputes to the Security Council.

5. States should seek to establish, and improve the functioning of, regional security mechanisms in the field of peaceful settlement of disputes in accordance with the Charter of the United Nations.

6. States should pay appropriate attention to the establishment and improvement within regional organizations of an extensive network of mechanisms and institutes for the timely compilation, analysis and processing of full and objective information on the relevant facts relating to any dispute or conflict that is developing or has arisen.

7. States should consider the possibility of strengthening the preventive functions of regional organizations and of establishing for this purpose procedures and mechanisms capable of identifying and detecting regional disputes and situations at an early stage in their development and taking appropriate measures to prevent their escalation or transformation into military confrontations.

8. States should consider the possibility of setting up, training and using within the framework of regional organizations groups of military and civilian observers, contingents of regional peacemaking forces, police units and civilian experts for purposes of fact-finding, separating the forces of the antagonists, monitoring compliance with cease-fire, truce and disarmament agreements and maintaining law and order in the event of the outbreak of disorder and confrontations on ethnic, national or religious grounds between States and within countries at their request.

9. States should seek to agree on and adopt within the framework of regional organizations methods to strengthen security, build confidence and limit the level of military confrontation in the region.

10. States should take steps in accordance with their constitutional processes for the purpose of acceding to all treaties establishing an international legal regime in the field of non-proliferation, and above all to the Treaty on the Non-Proliferation of Nuclear Weapons.

11. States should promote the development of regional arrangements and agreements on the banning of nuclear tests and of attacks on nuclear facilities.

12. The Security Council should encourage the development of the application of peaceful settlement of local disputes with the assistance of

regional organizations either on the initiative of the States concerned or on its own initiative.

13. Dispute settlement by States participating in regional organizations with the assistance of such organizations shall not affect the authority of the Security Council to investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in accordance with Article 34 of the Charter of the United Nations, or the right of any Member of the United Nations, in accordance with Article 35 of the Charter, to bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

14. The Security Council shall where appropriate make use of regional organizations for enforcement action under its guidance, but no enforcement action may be undertaken under regional arrangements or by regional agencies without authorization from the Security Council.

15. The Security Council shall always be fully informed of action taken or envisaged under regional arrangements or by regional agencies for the maintenance of international peace and security, including measures taken under Article 51 of the United Nations Charter.

16. States should promote the strengthening and improvement of cooperation and interaction between the United Nations and regional organizations in the development of broad international cooperation and the maintenance of international peace and security.

17. The Secretary-General of the United Nations and the leaders of regional organizations should meet on a regular basis to exchange information relating to local disputes and situations which may endanger international peace and security, propose joint initiatives for the purpose of settling local disputes, and also consider specific problems of the political, economic, social and cultural development of the countries in the region concerned.

18. Regional organizations should assist the countries of their respective region, at their request, in strengthening their security in accordance with the Purposes and Principles of the Charter.

19. The Security Council or its permanent members may, where appropriate and on the request of the regional organizations, act as guarantors of regional security.

20. Regional organizations should consider the possibility of taking coordinated steps with a view to providing assistance to strengthen guarantees of human rights and the rights of national minorities and including the regions within the sphere of application of future measures to build confidence and promote openness.

21. Regional organizations should deal, along with issues of the peaceful settlement of disputes and the maintenance of international peace and security in the respective regions, with the political, economic and humanitarian aspects of security and the development of broad international cooperation.

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3-21 February 1992

# IMPLEMENTATION OF THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS RELATED TO ASSISTANCE TO THIRD STATES AFFECTED BY THE APPLICATION OF SANCTIONS UNDER CHAPTER VII OF THE CHARTER

Working paper* submitted by Bangladesh, Bulgaria, Lebanon, Philippines, Romania, Seychelles, Uruguay and Viet Nam

1. In today's conditions of economic interdependence, the implementation of comprehensive economic sanctions by third States may place an extremely heavy burden on their economies.

2. The imposition of sanctions against a State under Chapter VII of the Charter of the United Nations may require the joint efforts of Member States to offer assistance to third States economically affected by the sanctions. This assistance can also be considered as ancillary, strengthening and further ensuring the cooperation in the application of measures against an offender State.

3. All provisions of Chapter VII are of equal value and importance for the effective carrying out of preventive or enforcement measures envisaged therein. These provisions should be interpreted and implemented in their entirety.

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* The present working paper is of a preliminary nature and is intended to initiate further consideration of this item with the participation of all interested delegations in order to come to generally agreed specific conclusions.

4. Article 49 of the Charter of the United Nations spells out the obligation of the Member States to join in affording mutual assistance in carrying out measures decided upon by the Security Council in conformity with Chapter VII of the Charter.

5. Article 50 of the Charter entitles States which find themselves confronted with special economic problems as a result of the carrying out of preventive or enforcement measures taken by the Security Council against any other State, to consult the Council with regard to a solution of those problems.

6. Recently, with respect to the sanctions imposed by the Security Council in resolution 661 (1990), requests were made to the Security Council by 21 States Members of the Organization pursuant to Article 50, aiming at the provision of assistance to those States in order to mitigate the adverse economic and social problems confronted by them.

7. In response to those requests, the Security Council Committee established by resolution 661 (1990) adopted recommendations to the President of the Security Council (see S/22021). Under paragraph 3 of the recommendations, the Committee appealed to all States on an urgent basis to provide immediate economic assistance to the applicant States. Under paragraph 4 the Committee invited the competent organs and specialized agencies of the United Nations system to review their programmes of assistance to the applicant States.

8. As stated in the memorandum submitted by those 21 States (S/22382), "the problems affecting these countries persist, and in certain respects have been aggravated, while the appeals launched pursuant to the recommendations of the Security Council Committee and addressed to all concerned by the Secretary-General, have not evoked responses commensurate with the urgent needs of the affected countries. Assistance to the affected countries in accordance with Article 50 of the Charter would reaffirm international solidarity and unity."

9. In response to the above-mentioned requests, the President of the Security Council issued a statement (S/22548), in which the members of the Council made "a solemn appeal to States, international financial institutions and United Nations bodies to respond positively and speedily to the recommendations of the Security Council Committee, established under resolution 661 (1991), for assistance to countries which find themselves confronted with special economic problems arising from the carrying out of those measures imposed by resolution 661 (1991) and which have invoked Article 50."

10. The lack of adequate arrangements and procedures for the implementation of Articles 49 and 50, as well as of the decisions of the Security Council taken in conformity with the provisions of those Articles, does not facilitate and even may prevent the solution of problems, as envisaged therein. The concerns and special economic problems of the applicant States, as stated in the above-mentioned memorandum, remain unsettled until now.

11. The Secretary-General, in his Report on the Work of the Organization, 1/ has put forward the need for supplementing Article 50 of the Charter by appropriate agreements creating obligations to assist concretely third States affected by the implementation of sanctions imposed upon a State in breach of its obligations under the Charter.

12. This issue warrants urgent consideration aimed at bringing about the proper application of Articles 49 and 50 of the Charter, which in turn would enhance the implementation of Chapter VII of the Charter. The institutionalization of mechanisms for responding quickly to requests for assistance in such situations would mitigate the adverse economic and social problems confronted by them and strengthen the cooperation among States in the implementation of sanctions. To this end, it is necessary to elaborate appropriate arrangements for ensuring the provision of such assistance.

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1).

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